

Congress of the United States

Washington, DC 20515

September 27, 2020

Mr. Dennis Deziel
Administrator, Region 1
Environmental Protection Agency
5 Post Office Square
Boston, MA 02103

Dear Administrator Deziel:

We write regarding the National Pollutant Discharge Elimination System (NPDES) permit for the Merrimack Station Power Plant in Bow, NH. It is our understanding that portions of this permit will be finalized later this month and that there are substantial differences between the final permit and draft permits issued in both 2011 and 2014. Specifically, we have heard concerns from our constituents in New Hampshire regarding thermal pollution in the Merrimack River and the elimination of a requirement for the installation of cooling towers in the final permit. Based on these concerns, we ask that you provide answers to the following questions:

1. There are more than 350 coal-burning power plants in the United States. Could you please provide the most up-to-date data on the number of these coal-burning plants that have permits that require cooling towers onsite?
2. We have heard from our constituents that the lack of cooling towers at Merrimack Station will contribute to an environment where invasive species, such as the Zebra Mussel, can thrive in the Merrimack River. Can you please explain how the in-stream monitoring requirements and temperature limits in the final permit will address these concerns and whether they would protect against all invasive species?
3. It is our understanding that temperature limits are only triggered if a 45-day rolling capacity factor exceeds 40 percent. However, after reviewing EPA data on capacity for units 1 and 2 at Merrimack Station, the plant has rarely met this capacity factor in recent years. Please explain how the Merrimack River's temperature will be monitored to ensure protections against invasive species when the capacity factor trigger is not met.

With the last NPDES permit for Merrimack Station expiring in 1997 and administratively continued since, we understand that need to finalize this permit. We greatly appreciate your attention to the above questions and ask for a timely response in order to respond to our constituents. Please do not hesitate to contact Peter Clark in Senator Shaheen's Office (peter_clark@shaheen.senate.gov), Kerry Holmes in Senator Hassan's Office (kerry_holmes@hassan.senate.gov) or Charlotte Harris in Congresswoman Kuster's

Office (charlotte.harris@mail.house.gov) with any questions you may have. Thank you for the consideration of this request.

Sincerely,

Handwritten signatures of Jeanne Shaheen and Maggie Hassan in blue ink.

Jeanne Shaheen
United States Senator

Maggie Hassan
United States Senator

Handwritten signature of Ann McLane Kuster in blue ink.

Ann McLane Kuster
Member of Congress